

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

JOSEPH W. ANDERSON,	:	Case No. 1:14-cv-763
	:	
Plaintiff,	:	Judge Timothy S. Black
	:	Magistrate Judge Stephanie K. Bowman
vs.	:	
	:	
MICROSOFT CORPORATION,	:	
	:	
Defendant.	:	

**DECISION AND ENTRY ADOPTING THE REPORT AND  
RECOMMENDATIONS OF THE UNITED STATES MAGISTRATE JUDGE  
(Doc. 16)**

This case is before the Court pursuant to the Order of General Reference in the United States District Court for the Southern District of Ohio Western Division to United States Magistrate Judge Stephanie K. Bowman. Pursuant to such reference, the Magistrate Judge reviewed the pleadings filed with this Court and, on April 3, 2015, submitted a Report and Recommendations. (Doc. 16). Plaintiff filed objections (Doc. 17) and Defendant responded (Doc. 19).<sup>1</sup>

As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all

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<sup>1</sup> Plaintiff's objections are unintelligible. However, he appears to assert new allegations for the first time in his objections. A "party may not raise new issues for the first time in an objection to a magistrate judge's report and recommendation" and "the Court is under no obligation to address those issues." *Martin v. E.W. Scripps Co.*, No. 1:12cv844, 2013 U.S. Dist. LEXIS 155673, at \*6 (S.D. Ohio Oct. 30, 2013). Plaintiff apparently seeks to cure his deficient pleadings by alleging that Microsoft copied Plaintiff's copyrighted work and sold it for a profit. However, even if the Court would consider this new allegation as an amendment to the pleadings, it is merely a conclusory recitation of a legal conclusion and not sufficient to state a claim for relief. *Bell Atl. Corp. v. Twombly*, 550 U.S. 544 (2007). Moreover, even if the Court accepted these new allegations as true, they fail as a matter of law because "titles of protected works or other short phrases cannot be protected by a valid copyright." (Doc. 16 at 5, citing 37 C.F.R. § 202.1(a)).

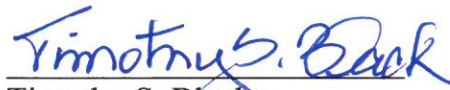
of the filings in this matter. Upon consideration of the foregoing, the Court does determine that such Report and Recommendations should be and is hereby adopted in its entirety. Accordingly:

1. The Report and Recommendations (Doc. 16) is **ADOPTED**;
2. Defendant's motion to dismiss (Doc. 10) is **GRANTED**;
3. All remaining pending motions are **DENIED** as **MOOT** (Docs. 7, 14, 18<sup>2</sup>); and
4. This matter is **TERMINATED** on the active docket of this Court.

**IT IS SO ORDERED.**

Date:

5/1/15

  
Timothy S. Black  
United States District Judge

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<sup>2</sup> Plaintiff did not cite any rule or case in support of his Motion for Reconsideration. (Doc. 18). However, courts generally evaluate such motions under the standard set forth in Federal Rule of Civil Procedure 59(e). That Rule allows a party to move to alter or amend a judgment within 28 days after its entry. At the time the motion was filed, no judgment had been entered and therefore the motion is **DENIED** as **MOOT**.